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May 13, 2015

Hon. Richard J. Sullivan
United State District Court
Southern District of New York
40 Foley Square, Room 2104
New York, New York 10007

Re: John Liu, et al., v. The New York City Campaign Finance Board, et al.,
14 Civ. 1687 (RJS)

Dear Judge Sullivan:

This letter responds to Mr. Emery's May 11, 2016 letter to the Court in which he contends that plaintiffs' challenge to the repealed version of Board Rule 5-01(f) is not moot because the Campaign Finance Board ("CFB") has recently served a Notice of Alleged Violations and Recommended Penalties (the "Notice") upon plaintiffs.

Mr. Emery's contention is unfounded, and he is careful not to assert that any of the alleged violations identified in the Notice are based upon the repealed version of Board Rule 5-01(f). Indeed, neither the current nor the repealed versions of Board Rule 5-01(f) have any relation to the potential violations identified in the Notice. Board Rule 5-01(f) governs determinations of ineligibility to receive public funds. The Notice sent to Plaintiffs concerns recommended violations and penalties, not an eligibility determination, and the Notice does not cite or rely upon Rule 5-01(f) with regard to any alleged violation. The only reference to that Rule in the Notice is made in the context of describing the background of this proceeding (*see* the Notice at 16)(dkt 59-1). Accordingly, the CFB's pending audit of Plaintiffs' 2013 campaign has no bearing on, and will not be affected by, Board Rule 5-01(f) in either its current or its repealed versions.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Tom B. Roberts", with a long horizontal line extending to the right.

Thomas B. Roberts
Assistant Corporation Counsel

cc: Richard D. Emery, Esq by ECF
Emery Celli Brinckerhoff & Abady LLP